


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 00-6273-CR-HUCK/BROWN

 **NIGHT BOX
FILED**
SEP 05 2001
CLARENCE MADDOX
CLERK, USDC / SDFL / MIA

UNITED STATES OF AMERICA, :

PLAINTIFF, :

v. :

ANTHONY TRENTACOSTA, et al., :

DEFENDANTS. :

GOVERNMENT'S RESPONSE TO THE DEFENDANT ADAM SILVERMAN'S PETITION
AND THE DEFENDANT FREDERICK J. MASSARO'S OBJECTIONS, BOTH OF WHICH
SEEK REVIEW OF THE MAGISTRATE'S REPORT AND RECOMMENDATION DENYING
DEFENDANT MASSARO'S MOTION TO DISMISS RICO CONSPIRACY AND MOTION
TO DISMISS MURDER RELATED COUNTS

The United States of America, by and through the undersigned Assistant United States Attorney, hereby files its Response to the petition filed by defendant Adam Todd Silverman, and the objections filed by defendant Frederick J. Massaro, seeking this Court's review of Magistrate Judge Brown's Report and Recommendation, issued on August 6, 2001, which recommended the denial of the following motions: (1) Defendant Frederick J. Massaro's Motion to Dismiss Indictment, RICO Conspiracy (DE 161); and (2) Defendant Frederick J. Massaro's Motion to Dismiss Murder Related Counts (DE 163).

In the defendant Silverman's Petition, he simply asserts that "the original Motion filed by

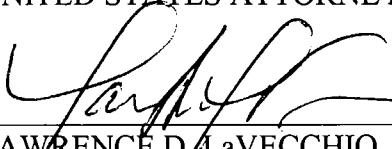
Defendant Massaro, and adopted by Defendant Silverman, adequately set forth the legal arguments and facts to support the granting of the referenced Motions.” Similarly, in defendant Massaro’s Objections, he simply asserts that the Magistrate Judge erred in finding that the enterprise was adequately defined and in ruling that the indictment “passes muster” on the murder-related counts. Given that no new issues or arguments are raised by defendants Silverman or Massaro in support of their respective requests seeking review of Magistrate Judge Brown’s decision, the government relies upon its previously filed Response to Defendant Massaro’s Motions to Dismiss Count 1 and Counts 17-20 (DE 265) in support of its position that the aforesaid Report and Recommendation of Magistrate Judge Brown should properly be adopted as the ruling of this Court.

WHEREFORE, the government respectfully suggests that the defendants’ petition and objections urging reversal of the aforesaid Report and Recommendation should properly be denied.

Respectfully submitted,

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By:


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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was delivered by
U.S. mail to the following on this 5th day of September 2001.

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